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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,096	02/15/2001	Kazuhiro Kusuda	Q63180	4487

7590

05/20/2002

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 05/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,096

Applicant(s)

KUSUDA, KAZUHIRO

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Horse Racing Game With Varied Track Attributes.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 14, & 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite the limitation, "comprising a game value adding device which adds a game value in accordance with a result of the race." How is this value determined? And to what is it added?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 6, 8-10, 12, 13, 15-17, 19, & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fongellaz et al. (US Patent Number 5,186,460)

Claims 1, 8, 15: Fongellaz teaches a game system with a racing field formed on a predetermined board (Fig 13) that is electronically displayed on a screen. There is a

Art Unit: 3714

running model to which an inherent ability parameter varying in accordance with a given environment is assigned. (Col 5, 41-45) The racing field (Fig 13) comprises a plurality of field regions (squares in Fig 13) in which the running model runs based on a current ability parameter in accordance with the respective field region. (Col 5, 40-56)

Claims 2, 3, 9, 10, 16, 17: Fongeallaz describes a steeplechase game in which there are flat regions where the running model performs steady running in which the current ability parameter is maximized and in other regions there is a region formed so as to obstruct the steady running (obstacles). (Col 5, 63-66)

Claims 5, 12, 19: Each of the small squares depicted in Figure 13 is a field region. A passageway is formed between the plurality of field regions so that the running model can enter and exit, and the same running model can run races on the plurality of field regions. Fig 13 depicts a race between running models H1-H4. As clearly depicted in the figure, the running models enter and exit the various filed regions and run races on a plurality of field regions.

Claims 6, 13, 20: The plurality of field regions for concentric racing courses. (Col 4, 36-43)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

7. Claims 4, 11, 18, & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fongeallaz as applied to claims 1, 8, or 15 above (as appropriate).

Claims 4, 11, & 18: Fongeallaz teaches use of a track with regions having different attributes. (Col 5, 40-62) For instance, Fongeallaz suggests use of dry track and mud track attributes. (Col (Col 5, 43-45) While Fongeallaz does not specifically teach dirt and turf track sections, these are the two main types of tracks used in horseracing. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used dirt track and turf track sections in order to simulate the two main track types used in horseracing.

Claim 22: Fongeallaz teaches a game system with a racing field formed on a predetermined board (Fig 13) that is electronically displayed on a screen. There is a running model to which an inherent ability parameter varying in accordance with a given environment is assigned. (Col 5, 41-45) The racing field (Fig 13) comprises a plurality of field regions (squares in Fig 13) in which the running model runs based on a current ability parameter in accordance with the respective field region. (Col 5, 40-56)

Fongeallaz also teaches use of a track with regions having different attributes. (Col 5, 40-62) Fongeallaz teaches adjusting the condition of the soil in the region simulating the dirt course by use of dry track and mud track attributes. (Col (Col 5, 43-45) While Fongeallaz does not specifically teach both dirt and turf track sections, these are the two main types of tracks used in horseracing. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used dirt track and turf track sections

Art Unit: 3714

and adjusting the condition of the soil or turf (respectively) in order to simulate the two main track types used in horseracing under differing conditions.

8. Claims 7, 14, 21, & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fongeallaz as applied to claims 1, 8, 15 or 22 above (as appropriate), and further in view of Ikeda et al. (US Patent Number 6,371,854).

Claims 7, 14, 21, & 23: Fongeallaz teaches the invention substantially as claimed.

Fongeallaz teaches storing a “library” of data concerning the attributes and abilities of each running model. (Col 5, 50-62) Fongeallaz does not, however, specifically teach adding a game value to the “library” in accordance with the result of the race. Ikeda, a game in the same art, teaches allowing players to raise and train their own horses (running models). This training includes running races and recording the result of the race in the horse’s library of information. Allowing players to raise and train their own horse gives the player a greater sense of involvement in the game. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added a game value to the horse’s “library” of attributes in accordance with the result of the race in order to allow the player to raise and train the horse, thus giving the player a greater sense of involvement in the game.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These are other horse racing games.

Reference Name	US Patent Number
Manney et al.	5,048,841


Art Unit: 3714

Girardin	4,874,177
Matsuura et al.	5,924,927
Filiczowski	5,106,098
Miyamoto et al.	6,325,721

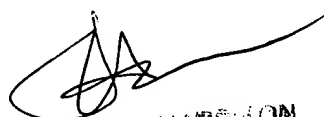
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary Examiner, Jessica Harrison can be reached on (703) 308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc
May 13, 2002



JESSICA HARRISON
PRIMARY EXAMINER